

REMARKS

Claims 1-6 are pending. Claims 1-6 are amended. Applicant reserves the right to pursue the original and other claims in this and any other application.

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Konen (U.S. Patent No. 6,922,478) ("Konen") in view of Kinjo (U.S. Pub. No. 2002/0015514) ("Kinjo"). The rejection is respectfully traversed.

Claim 1 recites a dishonest registration preventive apparatus. The apparatus comprises "detection means for detecting positions of the person ... calculation means for calculating a variation between a position of the person at a current time and a position of the person as a previous time ... determination means for comparing the variation calculated by the calculation means with a predetermined threshold to determine that an image of the plurality of images is a registerable image when the variation does not amount to the threshold... and storage means for registering and storing images, which are determined ... to be registerable."

Konen, by contrast, discloses "a method for verifying the authenticity of images recorded in a person identifying process." (Konen, Abstract) However, Konen determines an image is authentic when "intrinsic movements" are detected in "at least two consecutive individual images...." (Konen, Abstract) Konen defines "intrinsic movements" as "movements which are carried out by the person to be identified consciously or unconsciously and without changes in his or her center of gravity." (Konen, Abstract) (emphasis added) By demanding such intrinsic movements, Konen

seeks to prevent deception by "showing a photo or a mask-like picture of the person."
(Konen, 1:19-20)

Konen differs from the apparatus of claim 1 at least in that Konen makes a determination based on intrinsic movements (e.g., changes in facial expression) whereas the apparatus of claim 1 makes a determination based at least in part on a "position of the person." Thus, the apparatus of claim 1 examines the movements that Konen expressly ignores, i.e. the "changes in his or her center of gravity." In so doing, the apparatus of claim 1 improves upon Konen by preventing one living person, who would exhibit intrinsic movements, from substituting for another person during a registration process.

As the Office Action correctly notes, Konen fails to make out the "storage means" limitation of claim 1. Thus, the Office Action relies on Kinjo in combination with Konen to make out this limitation. As just described, however, Konen fails to disclose, teach, or suggest other limitations of the claim. Konen's failure is not cured by Kinjo. Therefore, the rejection of claim 1 should be withdrawn and the claim allowed.

Claim 2 depends from claim 1 and is allowable along with claim 1 for at least the reasons stated above with respect to claim 1 and on its own merits. Therefore, the rejection of claim 2 should be withdrawn and the claim allowed.

Claim 3 recites a dishonest registration preventive apparatus. The apparatus comprises "detection means for detecting positions of the person ... measurement means for measuring an interval until a position at a current time is detected after at a position at a previous time is detected ... determination means for comparing the

interval measure by the measurement means with a predetermined threshold to determine that a current image is a registerable image when the interval does not amount to the threshold ... and storage means for registering and storing images, which are determined ... to be registerable.”

As described above, Konen discloses “a method for verifying the authenticity of images recorded in a person identifying process” based on the presence or absence of “intrinsic movements.” (Konen, Abstract) Konen does not “measure[e] an interval until a position at a current time is detected after at a position at a previous time is detected,” as recited in claim 3. Indeed, Konen does not consider the timing of images at all, but rather only looks for intrinsic movements between consecutive images.

As the Office Action correctly notes, Konen fails to make out the “storage means” limitation of claim 3. Thus, the Office Action relies on Kinjo in combination with Konen to make out this limitation. As just described, however, Konen fails to disclose, teach, or suggest other limitations of the claim. Konen’s failure is not cured by Kinjo. Therefore, the rejection of claim 3 should be withdrawn and the claim allowed.

Claim 4 depends from claim 3 and is allowable along with claim 3 for at least the reasons stated above with respect to claim 3 and on its own merits. Therefore, the rejection of claim 4 should be withdrawn and the claim allowed.

Claim 5 recites similar limitations as claims 1 and 3 and is allowable over Konen and Kinjo for at least the reasons stated above with respect to claims 1 and 3 and on its own merits. Therefore, the rejection of claim 5 should be withdrawn and the claim allowed.

Claim 6 depends from claim 5 and is allowable along with claim 5 for at least the reasons stated above with respect to claim 5 and on its own merits. Therefore, the rejection of claim 6 should be withdrawn and the claim allowed.

In view of the above, Applicant believes the pending application is in condition for allowance and respectfully requests that it be passed to issue.

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Respectfully submitted,

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